

REMARKS

Certified Copy of Priority Documents

The Examiner's acknowledgement of the priority document is noted.

Information Disclosure Statement

Although the Summary page of the Office Action indicates that the Examiner has reviewed the Information Disclosure Statements filed with the initial filing and on 29 May 2002, a copy of the initialed Form PTO-1449 was not included with the Office Action. Please confirm that the Information Disclosure Statements have been reviewed.

Claims

Claims 1-46 were pending in this matter on the date of the Office Action. Of these, dependent claims 9-16 are cancelled, with the limitations of claim 10 being incorporated into claim 1 by amendment. Claims 17 and 22-24 are amended to change their dependency, due to the claim cancellations.

35 USC §102 Rejections

The applicants address the Examiner's rejections in a slightly different order than that presented by the Examiner.

Amundson (US 6,178,346)

Claims 1, 6, 10, 14, 18, 22, 26, 30, 34, 38 and 42 stand rejected as being anticipated by U.S. Patent 6,178,346 to Amundson ("Amundson '346"). Specifically, with respect to Claims 10 and 14, the Examiner states that, in Amundson '346, "the catheter is in the form of an electrode line and for that purpose is provided at its distal catheter portion with at least one electrode for delivering and/or picking up electrical signals to or from body tissue adjoining the distal catheter portion." Applicants respectfully traverse.

Amundson '346, col. 33, lines 17-19 does not teach this. Col. 33 deals with a second embodiment, shown in Fig. 12A, for intra-heart chamber application, and it says "*guiding electrode placement* in catheters could also be realized with the infrared endoscope in, for example, pacing and defibrillator electrodes." If a pacing or defibrillator electrode is being

placed in a heart, it will be left there. There would certainly be no intent of leaving an endoscopic catheter in the heart. What Amundson '346 is saying is that the catheter has applications in helping to place an electrode or electrodes, but it is not saying that the electrode is a part of the endoscopic catheter. This is confirmed by language found at Col. 9, lines 1-21.

Amundson '346, col. 35, lines 26-33, is also inapposite. The text here refers to Figure 12B. There is a reference at col. 35, line 12 to "visualization of catheter ends, *electrode placement* and the burn location is accomplished with the infrared endoscope," but again, there is no reference to an electrode being an integral part of the catheter, as is required by claim 1 as now amended. At col. 35, lines 26-33, there is reference to "tools" and "attachments." Of these, electrodes are referred to as "tools." But claim 1, as now amended, requires that the electrode be attached to, not just accompanying, the endoscopic catheter. Also, to the extent that the catheter is an ablation catheter (note comment as to "burn location"), the electrode in such a catheter would not be delivering or picking up a signal from the body tissue.

For at least this reason, amended claim 1, which has the limitations of claim 10 incorporated into it, is not anticipated by Amundson '346.

Stelzer (US 6,309,345)

Claims 1, 6, 10, 14, 18, 22, 26, 30, 34, 38 and 42 stand rejected as being anticipated by U.S. Patent 6,309,345 to Stelzer ("Stelzer '345"). As to claims 10 and 14, the Examiner points to Figures 9 and 10 in Stelzer '345. These are referred to in the brief description as "a cautery tool unit" and the cautery tool of Fig. 9 with the cautery pin extended.

Applicants respectfully traverse. "Cautery tools" are intended to cauterize. A cautery tool is not and "electrode being adapted for at least one of: delivering an electrical signal to body tissue adjoining the distal catheter portion and receiving an electrical signal to body tissue adjoining the distal catheter portion," as claim 1 now requires. The presence of such an electrode on an optical catheter makes the catheter useful as a mapping catheter for investigating the heart. This is not anticipated or suggested by Stelzer '345.

Adair (US 4,782,819)

Claims 1-8 stand rejected as being anticipated by U.S. Patent 4,782,819 to Adair ("Adair '819"). This rejection is mooted by the amendment to claim 1, since claim 10, which is now incorporated into claim 1, is not rejected as being anticipated by Adair '819.

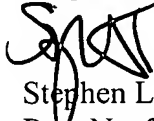
35 USC §103 Rejections

The Examiner has rejected a number of the claims (but not claim 10) as being obvious in view of Stelzer '345 as applied to claim 10, with additional elements being supplied by US Patent 6,079,414 to Roth ("Roth '414), US Patent 4,786,155 to Fantone ("Fantone '155") and the previously cited Adair '819. This rejection is mooted because claim 1, as now amended, contains the limitations of claim 10. Those limitations are not found in any of the cited references. All remaining claims depend, directly or indirectly from claim 1, which is an allowable independent claim, so they are also allowable.

In view of the foregoing arguments the applicant submits that the claims are in a condition to permit allowance. Therefore the applicant requests early and favorable disposition of this application.

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Respectfully submitted,



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